

Serial No.: 10/551,282
Atty. Docket No.: P70807US0

REMARKS

The Office Action mailed April 6, 2007, has been carefully reviewed and, by this Amendment, Applicants have amended claims 11 and 12, and added claims 13-19. Claims 1-19 are pending in the application. Claims 1, 11 and 13 are independent.

The Examiner rejected claims 1-4 and 9-12 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,429,626 to Fenton. The Examiner also rejected claims 5-8 under 35 U.S.C. 103(a) as being unpatentable over Fenton. Reconsideration and withdrawal of these rejections is requested as supported by the following remarks.

As set forth in claim 1, the present invention is directed to an ostomy appliance having a front wall and a rear wall of flexible material forming a bag. The rear wall of the bag has an opening for receiving a stoma, and is provided with an adhesive wafer for securing the appliance to a user's skin. The wafer also has a hole aligned with the opening for receiving the stoma, with a bag attachment zone surrounding the wafer hole and facing away from the user.

The opening in the rear wall of the bag has an edge that is adapted to be secured to the bag attachment zone surrounding the wafer hole. A first part of the edge of the rear wall opening is

Serial No.: 10/551,282
Atty. Docket No.: P70807US0

permanently secured to the surface of the wafer in a corresponding first part of the attachment zone. A second remaining part of the edge of the rear wall opening is prepared for subsequent adhesive sealing of the bag edge second part to a remaining second part of the attachment zone after the appliance has been placed for use. Nonetheless, with the permanent attachment of the first part of the bag edge the claimed invention is a one-piece ostomy appliance. This is not shown or suggested by Fenton.

Fenton discloses a two-piece ostomy appliance assembly 10 that includes a mounting plate member 12 and an ostomy pouch or bag 14. The mounting plate 12 is made to be adhered to the skin of the ostomate by an adhesive web portion 16 (see column 3, lines 8-21). The bag 14, which includes an opening 68 surrounded by a mounting ring 70, is made to be repeatedly, *and wholly*, attached and unattached to the mounting plate 12 using a pressure sensitive adhesive 72 coated on the entire ring 70 (see column 4, lines 43-46; column 5, lines 9-12 and lines 39-43; column 6, lines 40-55). Unlike the presently claimed invention, there is no portion of the bag mounting ring 70 *that is permanently attached to the mounting plate 12*. Therefore, claim 1 cannot be and is not anticipated by Fenton.

Serial No.: 10/551,282
Atty. Docket No.: P70807US0

Nor is claim 1 obvious in view of Fenton. To the contrary, one of the primary purposes of Fenton as a two-piece appliance is to provide a bag that can be *completely removed*, cleaned and *reused* while the mounting plate 12 remains adhered to the ostomate. Hence, Fenton *teaches away* from the claimed one-piece appliance having a bag with an edge portion that is *permanently attached* to the wafer or mounting ring such that the bag is not separately replaceable from the wafer.

As discussed in the specification on page 6, lines 6-20, the structure set forth in claim 1, in which part of the bag edge is permanently attached to the wafer while the remaining part is adhesively secured after appliance placement allows the claimed appliance to function well as a one-piece appliance while also securing the advantages of a two-piece appliance. This is not shown or suggested by Fenton.

For at least the foregoing reasons, claim 1 as well as new device claim 13 are patentable over the prior art. Method claim 11 is also in condition for allowance for the same reasons as the device claims, having been amended herein to place it in proper format under U.S. practice as an independent method claim with the previously referenced structure set forth in the preamble. Claim 11 has also been amended to restate in the body of the claim the

Serial No.: 10/551,282
Atty. Docket No.: P70807US0

preamble recitation of a permanently attached portion of the bag edge, but has otherwise not been amended in scope.

Dependent claims 2-10, 12 and 14-19 are in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

With the foregoing amendments and remarks, the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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